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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,595	01/20/2004	Lary Hamilton Stucker		1113

Lary Stucker  
12192 Brookhaven Park  
Garden Grove, CA 92840

7590

03/15/2007

EXAMINER
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CUTLER, ALBERT H

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/760,595

Applicant(s)

STUCKER ET AL.

Examiner

Albert H. Cutler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is responsive to application 10/760,595 filed on January 20, 2004. Claim 1 is pending in the application and has been examined by the examiner.

### *Claim Objections*

2. Claim 1 is objected to because of the following informalities: Lack of clarity and precision.

Claim 1 recites, "a tray to mount said video camera and stabilize within said haul". Claim 1 lacks clarity because it is unclear what is being stabilized. Please change claim 1 to read, "a tray to mount said video camera and stabilize it within said haul", or "a tray to mount said video camera and stabilize **said video camera** within said haul", or, "a tray to mount and stabilize said video camera within said haul", or something of similar nature in order to improve clarity. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Stuempfl(U.S. Patent 6,574,433).

Consider claim 1, Stuempfl teaches:

A waterproof housing(see figure 1) that functions with multiple video cameras(column 3, lines 9-12) comprising:

a. A haul to contain a video camera(See figure 1, the top(19c), bottom(19e), left(19a), right(19b), and front(19d), and rear(16) panels form the haul.) with a lens for viewing(The rear panel(16) is the lens. It is formed of clear plastic, Plexiglas, or optical glass. See column 3, lines 1-23.)

b. A tray to mount said video camera(The tray is comprised of the bottom(19e), and side panels(19a, 19b).) and stabilize within said haul(The camera is mounted on the bottom of the tray on either side of rail(21a) and held in place via an elastic strap(21) that is attached to a pair of hooks(18), which are attached to the respective sides of the tray via blocks(20), column 3, lines 29-52.).

c. An adjustable mechanism attached to said tray for controlling said video camera(The mechanism for controlling the video camera is comprised of a cable within a flexible tube(32) containing a ring(34) formed of a hook and fastener, which is attached to another ring, which is in turn connected to the "record button" of the video

camera, column 3, line 67 through column 4, line 9. The mechanism is attached to the side(19b) of the tray via a button(30), see figure 1.)

d. A lid("hinged door", 12, figure 1, column 3, lines 1-5) for sealing said haul, making unit waterproof(The door includes a gasket seal(14) for waterproofing, column 3, lines 1-2. The housing is for an underwater camera, column 2, line 66 through column 3, line 12.).

e. A means(button, 30) for activating said adjustable mechanism while said haul is sealed(The button is external to the camera and can be used to press the record button via the adjustable mechanism. See column 3, line 66 through column 4, line 27, figure 1.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC



NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER